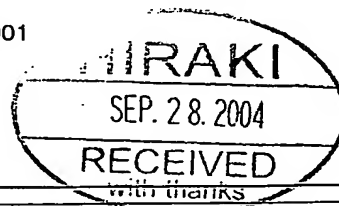


From the INTERNATIONAL BUREAU

**PCT**NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 72.2)

To:

HIRAKI, Yusuke  
Toranomom No.5 Mori Building Third Floor, 17-1,  
Toranomom 1-chome  
Minato-ku, Tokyo 105-0001  
JAPON

Date of mailing ( <i>day/month/year</i> ) 23 September 2004 (23.09.2004)	
Applicant's or agent's file reference PH-1514-PCT	IMPORTANT NOTIFICATION
International application No. PCT/JP2002/001967	International filing date ( <i>day/month/year</i> ) 04 March 2002 (04.03.2002)
Applicant MITSUKAN GROUP CORPORATION et al	

## 1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

## 2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

CA, KR

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

US

## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No.+41 22 740 14 35

Authorized officer

Masashi Honda

Facsimile No.+41 22 338 70 10

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

PCT Application  
PCT/JP2002/001967



Applicant's or agent's file reference PH-1514-PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP02/01967	International filing date (day/month/year) 04 March 2002 (04.03.02)	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC A61K 31/19, A61P 9/12, A23L 1/30		
Applicant MITSUKAN GROUP CORPORATION		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 01 July 2003 (01.07.03)	Date of completion of this report 22 October 2003 (22.10.2003)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP02/01967

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☐ the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the claims:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the drawings:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP 02/01967

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	2	YES
	Claims	1, 3, 4	NO
Inventive step (IS)	Claims		YES
	Claims	1-4	NO
Industrial applicability (IA)	Claims	1-4	YES
	Claims		NO

### 2. Citations and explanations

Document 1: JP 6-90733 A (Gun Ei Chemical Industry Co., Ltd.), 5 April 1994

Document 2: JP 10-28567 A (Kazumasa Ito), 3 February 1998

Document 3: JP 63-198953 A (Nakano Vinegar Co., Ltd.), 17 August 1988

Document 4: S. Kondo et al., "Antihypertensive effects of acetic acid and vinegar in spontaneously hypertensive rats", Bioscience, Biotechnology and Biochemistry, 2001, Vol. 65, No. 12, pp. 2690-2694

From document 1

The invention set forth in Claim 1 is not novel and does not involve an inventive step in the light of document 1, cited in the international search report. Moreover, the inventions set forth in claims 2-4 do not involve an inventive step in the light of document 1.

Document 1 indicates that basically the principal component of vinegar is acetic acid, that vinegar has been confirmed to be effective in preventing hypertension, and that this is thought basically to be a physiological effect of acetic acid (page 1, column 1, line 2 from bottom to column 2, line 7).

Moreover, a person skilled in the art could easily,

by experiment, set the concentration of acetic acid and period of acetic acid consumption within optimum ranges to raise the antihypertensive effect of acetic acid.

From document 2

The invention set forth in claim 1 is not novel and does not involve an inventive step in the light of document 2, cited in the international search report. In addition, the inventions set forth in claims 2-4 do not involve an inventive step in the light of document 2.

Document 2 discloses the action of vinegar in preventing conditions such as hypertension (paragraph [0002]), and vinegar clearly includes acetic acid.

Moreover, a person skilled in the art could easily, by experiment, set the concentration of acetic acid and period of acetic acid consumption within optimum ranges to raise the antihypertensive effect of acetic acid.

From document 3

The inventions set forth in claims 1 and 3 are not novel and do not involve an inventive step in the light of document 3, cited in the international search report.

Document 3 discloses foods containing vinegar and/or acetic acid (claims), and also discloses an intake of such food in a meal equivalent to 0.9-2.25 ml (ca. 0.94-2.36 g) of acetic acid (page 2, lower left column, lines 2-6). Document 3 does not disclose the fact that these foods act to prevent hypertension; however, as foods they are indistinguishable from foods according to claims 1 and 3.

From document 4

The inventions set forth in claims 1 and 4 are not novel and do not involve an inventive step in the light of document 4, cited in the international search report. In addition, the inventions set forth in claims 2 and 3 do

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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not involve an inventive step in the light of document 1.

Document 4 discloses the fact that acetic acid has an antihypertensive action and discloses consumption of acetic acid for 14 weeks (especially abstract and figures).

Moreover, a person skilled in the art could easily, by experiment, set the concentration of acetic acid and period of acetic acid consumption within optimum ranges to raise the antihypertensive effect of acetic acid.